IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 153 **/2004**

PETITIONER NIRMAL DEWANGAN, SON OF SHRI SUNDER LAL DEWANGAN, AGED ABOUT 27 YEARS RESIDENT OF DEWANGAN MOHALLA, JUNA BILASPUR (CG)

VERSUS

RESPONDENTS

1. THE STATE OF CHHATTISGARH, THROUGH THE SECRETARY, DEPARTMENT OF PUBLIC WORKS AND DEVELOPMENT D.K.S. BHAWAN, MANTRALAY, RAIPUR (CHHATTISGARH).
2. THE UNDER SECRETARY, DEPT OF P.W.D., DKS BHAWAN, RAIPUR
3. THE COLLECTOR, DISTRICT BILASPUR (CHHATTISGARH)
4. THE CHIEF ENGINEER (EAST) PUBLIC WORKS DEPARTMENT, RAIPUR (CHHATTISGARH)
5. THE EXECUTIVE ENGINEER, BILASPUR DIVISION, BILASPUR (CHHATTISGARH)
6. SUPERINTENDING ENGINEER, PUBLIC WORKS DEPARTMENT, RAIPUR (CHHATTISGARH)

P. R. No. 157/04 Presented in person on 19.1.04 dated 19.1.04

RECEIPT COPY Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI OR OF ANY OTHER APPROPRIATE NATURE

01) **PARTICULARS ABOUT THE PETITIONER**:
As per cause title.

02) **PARTICULARS ABOUT THE RESPONDENTS**:
As per cause title.

03) **PARTICULARS OF ORDERS AGAINST WHICH THE PRESENT PETITION IS BEING MADE:**

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 153 of 2004

Petitioner — Nirmal Dewangan

Versus

Respondents — The State of Chhattisgarh and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

None for the petitioner.

None for the respondents.

ORDER

(23rd August, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner had filed identical petition being W.P.No. 2664/2003, for the same relief as sought for in this petition, in this Court and the same was disposed of by order dated 3.9.2003 granting liberty to the petitioner to make a representation to the Collector within a period of 30 days. It was further observed that on such representation being made, the Collector, Bilaspur would consider and decide the representation in accordance with law within a period of 30 days.

2. In the present petition the petitioner claims the appointment on the post of Draftsman on the basis of his selection in special recruitment drive on 22.4.1999. On perusal of the pleadings, it appears that the Superintending Engineer, P.W.D. Bilaspur by letter dated 24.1.2000 informed the Collector that on account of certain contingencies 30% posts have been abolished and there was no vacancy of any post of Draftsman on which the petitioner could be appointed. The petitioner has not submitted any details more than the above stated facts in the present petition.

3. It is well settled principle of law that the petitioner has no right to appointment even if his name is found in the select list. The appointment depends upon availability of posts and other factors, which can be decided by the employer alone. The employer cannot be directed to make appointment of a person on a particular post when the employer has decided to abolish the post in public interest.

4. For the reasons stated above there is no merit in this case. The same deserves to be dismissed summarily. Accordingly, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur